

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADIL HIRAMANNEK, et al.,
Plaintiffs,
v.
L. MICHAEL CLARK, et al.,
Defendants.

Case No. 5:13-cv-00228-RMW

**ORDER FOLLOWING PRETRIAL
CONFERENCE**

Re: Dkt. No. 663

The court held a pretrial conference in this matter on July 15, 2016. Plaintiff Adil Hirananeek appeared telephonically. Plaintiff Roda Hirananeek did not appear due to health issues. Mr. Hirananeek represented that Ms. Hirananeek authorized him to communicate to the court that she waived her right to appear at the pretrial conference. James Brown appeared for defendant Beth Miller. The court rules as follows.¹

A. Trial Schedule

The trial of plaintiffs' claims against defendant Miller will commence with jury selection at 9:00 a.m. on Tuesday, August 2, 2016. Each side will be allotted 8 hours of presentation time, including opening statements, but not including closing statements or jury selection. The parties

¹ The court expects the parties to follow any additional rulings made on the record at the pretrial conference that are not inconsistent with this order.

should plan for trial to run each day on August 2, 3, and 4, 2016, with appropriate meal and rest breaks. The court may adjust the exact schedule as the trial date approaches. Opening statements and initial testimony will likely begin on Tuesday, August 2, 2016.

B. Fact Witnesses and Subpoenas

Beth Miller, Adil Hiranmanek, and Roda Hiranmanek will be allowed to testify without the need for subpoenas.

Defendant objects to the admission of any testimony from David Merritt, Ed Summerfield and Shiv Palleti on the grounds that plaintiffs failed to adequately respond to interrogatories seeking identification of any witnesses to alleged discriminatory conduct by defendant Miller. The court grants defendant leave to file a motion to exclude the testimony of these witnesses by 5 pm on Wednesday, July 20, 2016. The motion shall identify the relevant interrogatories, plaintiffs' responses thereto, and any objections to the substance of these witnesses' testimony. By 5 pm on Monday, July 25, 2016, plaintiffs shall file a response. The motion and response may not exceed 5 pages each, and Adil and Roda Hiranmanek may only file a single, combined response. The court grants plaintiffs leave to request trial subpoenas from the clerk of the court for David Merritt, Ed Summerfield and Shiv Palleti, but the court reserves ruling on whether these witnesses will be allowed to testify.

Attorney James Brown, Senior District Judge Ronald M. Whyte, Lisa Lazer, Theresia Sandhu, and Thomas Bloom will not be permitted to testify.

Caitlyn Burgess and Deputy McChristian will not be allowed to testify unless plaintiffs introduce argument or evidence that would render their testimony relevant.

C. Medical Records and Medical Witnesses

If relevant and if an appropriate sponsoring witness can be found, plaintiffs may introduce the personal medical records that they have disclosed to defendant. The court will not take judicial notice or admit any evidence from medical publications or studies. By Wednesday, July 20, 2016—and preferably earlier—plaintiffs shall identify any physician who actually treated them who plaintiffs wish to call as a witness. Plaintiffs' submission shall include a brief statement

describing the substance of the witness's expected testimony. The court will then determine whether to grant plaintiffs leave to request a subpoena from the clerk of the court. The court will not allow plaintiffs to call an unidentified physician as a witness.

D. Exhibit Objections

Plaintiffs shall provide a reduced list of the exhibits they plan to introduce at trial. The parties shall meet and confer and submit any exhibit objections to the court by July 20, 2016.

The parties should assume that this court's order precluding defendant from introducing state court orders adverse to plaintiffs remains in place. *See* Dkt. No. 658 at 3-4. If defendant wishes to introduce any state court orders regarding Mr. Hiranamek's status as a vexatious litigant, defendant must submit a brief with citation to relevant authority, not to exceed three pages, by July 20, 2016. Plaintiffs need not file a response unless otherwise ordered by the court. However, the court once again notes that if plaintiffs rely on state court rulings in support of their damages arguments or for any other purpose, defendant will be entitled to discuss those rulings.

E. Deposition Designations

The parties shall provide deposition transcript designations, except for testimony offered solely for impeachment, by July 20, 2016. Responses are due on July 25, 2016.

F. Amended Voir Dire

The parties shall submit any amended voir dire questions to the court by July 20, 2016.

G. Defendant Request for Order to Show Cause

Defendant's request for an order to show cause regarding terminating sanctions, Dkt. No. 663, is denied without prejudice.

IT IS SO ORDERED.

Dated: July 18, 2016



Ronald M. Whyte
United States District Judge